

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

08/795038

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>6-1-11</u>		2 Serial/Patent # <u>5891268</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
<input type="checkbox"/>	Filing			\$						
<input type="checkbox"/>	Amendment			\$						
<input type="checkbox"/>	Extension of Time			\$						
<input type="checkbox"/>	Notice of Appeal/Appeal			\$						
<input type="checkbox"/>	Petition			\$						
<input type="checkbox"/>	Issue			\$						
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$						
<input type="checkbox"/>	Maintenance			\$						
<input type="checkbox"/>	Assignment			\$						
<input type="checkbox"/>	Other <u>large entity portion of main fee</u>			\$ <u>2,055</u>						
		7 TOTAL AMOUNT OF REFUND		\$ <u>2,055</u>						
		8 TO BE REFUNDED BY: <u>CC</u>								
10 REASON:										
<input type="checkbox"/>	Overpayment									
<input type="checkbox"/>	Duplicate Payment									
<input type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td></td><td></td><td>--</td><td></td><td></td><td></td></tr></table>					--			
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<u>Small Entity Status.</u>										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petitions Examiner</u>								
SIGNATURE: <u>/Karen Creasy/</u>		PHONE: <u>2-3208</u>								
OFFICE: <u>Petitions</u>										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****										
APPROVED: <u>[Signature]</u>		DATE: <u>6/2/11</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

McFATRIDGE, BAKER & SCHMIDT, P.C.

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May 11, 2011

Via CMRRR#7010 1670 0000 5641 2600
United States Patent and Trademarks Office
c/o Office of Patent and Legal Administration
Hiram Bernstein
P. O. Box 1450
Alexandria, VA 22313

Refund Ref: 0230393373
06/02/2011

Re: Patent No. 5,891,260, Application No. 795,038 Credit Card Refund Total: \$2055.00

Dear Mr. Bernstein:

AC Exp.: XXXXXXXXXXXX2036

This letter is in response to your Decision on Request for Refund received April 5, 2011, attached hereto as Exhibit "A".

On November 6, 2003, a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent was filed which indicated the Patentee's claim as small entity status (see attached). The Petition was granted on November 26, 2003. No further action was taken by our client, the Patentee. However, for some unknown reason, after this filing, the Patentee's status was shown as a large entity instead of a small entity which not discovered until January, 2011. Also attached as Exhibit "B" are the maintenance fee statements indicating amounts paid on June 22, 2006 and September 8, 2010.

Again, the Patentee has taken no action to change its status from a small entity to a large entity since the granting of a small entity status on November 26, 2003. Therefore, please correct the Patentee's status as a large entity to a **small entity** and refund the difference in maintenance fee paid on September 8, 2010, in the amount of \$4,110.00.

I look forward to your favorable response. If you have any questions regarding the above, please do not hesitate to contact me at (409) 766-7966.

Adjustment date: 06/02/2011 LDIEP1
02/10/2011 DALLEN 00000000 5891260
01 FC:1553 -4110.00 OP

Very truly yours,

Adjustment date: 06/02/2011 LDIEP1
02/10/2011 DALLEN 00000000 5891260
McFatridge, Baker & Schmidt, P.C. -4110.00 OP

Keith W. McFatridge, Jr.

06/02/2011 LDIEP1 02303932 5891250
01 FC:2553 2055.00 OP

Attachments